

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

APRIL 21, 2005

The Marlboro Township Council held a regularly scheduled Council meeting on April 21, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andy Bayer, Esq., Business Administrator Judith Tiernan and Deputy Clerk Deborah Usalowicz.

Councilman Mione moved that the minutes of February 17, March 15 & March 24, 2005 be approved. This motion was seconded by Councilman Cantor and the minutes were passed on a roll call vote of 5 - 0.

Councilman Mione moved that the minutes of March 3, 2005 be approved. This motion was seconded by Councilman Cantor and the minutes were passed on a roll call vote of 4 - 0, with Councilman Cantor abstaining.

Council President Pernice opened the Public Hearing on Ordinance # 2005-14 (Prohibiting Parking - Hobart Street). After the public hearing was held, Resolution # 2005-168/Ord. # 2005-14 (Prohibiting Parking - Hobart Street) was tabled to the May 5th agenda, so that the concerns expressed by the residents can be addressed.

Council President Pernice opened the Public Hearing on Ordinance # 2005-15 (Speed Limit Willow Lane). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-169/Ord. # 2005-15 (Speed Limit Willow Lane) was introduced by reference, offered by Councilman Mione, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-169

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-15

AN ORDINANCE AMENDING THE SPEED LIMIT FOR WILLOW LANE,
TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE
WITH N.J.S.A. 39:4-98

which was introduced on April 7, 2005, public hearing held April 21, 2005, be adopted on second and final reading this 21st day of April, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-16 (Increase CAP and Establishing Cap Bank). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-170/Ord. # 2005-16 (Increase CAP and Establishing Cap Bank) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-170

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-16

CALENDAR YEAR 2005

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

which was introduced on April 7, 2005, public hearing held April 21, 2005, be adopted on second and final reading this 21st day of April, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2005-171/Ord. # 2005-17 (Amend Chapter 84 -Lot Coverage) was introduced by reference, offered by Council President Pernice and seconded by Councilman Mione. Discussion between Mayor and Council followed, after which the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-171

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE I "DEFINITIONS, PURPOSE AND INTERPRETATION ZONING", SECTION 84-04, "DEFINITIONS" AND CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE VIII, "SUBDIVISIONS, DESIGN AND PERFORMANCE STANDARDS, SECTION 84-97, "ACCESSORY BUILDINGS AND STRUCTURES"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 5, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE I "DEFINITIONS, PURPOSE AND INTERPRETATION ZONING", SECTION 84-04, "DEFINITIONS" AND CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE VIII, "SUBDIVISIONS, DESIGN AND PERFORMANCE STANDARDS, SECTION 84-97, "ACCESSORY BUILDINGS AND STRUCTURES"

WHEREAS, The Township Council of the Township of Marlboro desires to minimize the potential for overdevelopment on residential sites in the future by limiting the area permitted by builders and developers for the actual structures; and

WHEREAS , the Township Council desires to lessen the burden on residential homeowners who wish to improve their property by constructing decks, patios and pools on their properties without having to incur substantial legal and other professional consulting fees by having to make applications to the Township's Land Use Boards for costly variances; and

WHEREAS the Mayor requested that the Township professionals evaluate how the impervious coverage requirements contained within the Township code could be modified to help alleviate the burden on existing homeowners who wish to improve their homes as identified above in conformance with sound land use practices; and

WHEREAS, the Township Council seeks to modify the impervious coverage requirements within the Township code to encourage the use of brick pavers rather than concrete which would allow for infiltration and better serve the environment; and

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 84 "Land Use Development and Regulations", Article I "Definitions,

Purpose and Interpretation", Section 84-4, "Definitions" and Chapter 84, "Land Use Development and Regulations", Article VIII, "Subdivisions, Design and Performance Standards", Section 84-97, "Accessory Buildings and Structures are amended and supplemented to include the following:

§84-4. Definitions

B. Terms Defined:

LOT COVERAGE - That portion or percentage of the lot area, which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces. In short, Lot Coverage refers to all impervious surfaces on site.

IMPERVIOUS LOT COVERAGE - That portion of one (1) lot or more than one (1) lot, which is improved or is proposed to be improved with principal and accessory buildings and structures, including driveways, parking lots, pedestrian walkways, signs, and other man-made improvements which are more impervious than the natural surface.

BUILDING AREA - The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

BUILDING COVERAGE - The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches and gazebos, but excluding open and uncovered patios, decks and other impervious surfaces).

IMPERVIOUS SURFACES: Shall mean a hard area that prevents or substantially impedes the natural infiltration of water into the underlying soil resulting in an increase in an increased volume and velocity of surface water runoff. These improvements include, but are not limited to principal and accessory buildings and structures, including driveways, parking lots, pedestrian walkways, signs and other man-made improvements. Accessory structures such as the water area of pools, and decks constructed 18 or more inches above the ground that are gapped to permit

infiltration are not considered impervious items. Fifty percent (50%) of any area covered by pavers installed without mortar shall be considered impervious.

§84-97. Accessory Buildings and Structures.

There shall be included by reference in this section all language set forth in § 84-97A through F, inclusive, except that Subsection D will now present guidelines along with an appendix which outlines the maximum area allowed for an accessory structure by zoning designation.

The following regulations shall apply to all accessory buildings and structures:

A. Accessory buildings or structures as part of principal buildings. Any accessory buildings or structures attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings or structures.

B. Accessory buildings or structures are not to be constructed prior to principal buildings. No building permit shall be issued for the construction of an accessory building or structure prior to the issuance of a building permit for the construction of the principal building upon the same premises. If construction of the principal building does not precede or coincide with the construction of the accessory building or structure, the Building Inspector shall revoke the building permit for the accessory building or structure until construction of the main building has proceeded substantially toward completion.

C. Distance between adjacent buildings or structures. The minimum distance between an accessory building or structure and any other building(s) on the same lot shall be twenty (20) feet, except that no commercial poultry or brooder house shall be erected nearer than four hundred (400) feet to any dwelling on the same lot and no livestock shelter shall be erected nearer than one hundred (100) feet to any dwelling on the same lot or adjacent lot, and except

that accessory buildings or structures other than poultry or brooder houses may be placed a minimum of ten (10) feet from underground structures, such as the water area of swimming pools, provided such accessory buildings or structures are a minimum of twenty (20) feet from any aboveground principal or accessory building or structure.

D. Height and Area Requirements

- a) The Maximum Permitted Accessory Structure Area shall be determined by taking 25% of the square footage of the Maximum Principal Building Coverage for each zoning classification. The area of the accessory structure shall be determined in accordance with the Lot and Building Coverage Standards Table, below.

Table 1: Lot and Building Coverage Standards

Zone District	Minimum Required			Maximum Permitted			
	Lot Area (sq. ft. or acres)	Gross Floor Area (sq. ft.)	Ground Floor Area (sq. ft.)	Building Coverage for Principal Building	Building Coverage for Accessory Structure Area (sq. ft.)	Total Building Coverage	Total Lot Coverage
A/LC	10 acres	1,800	1,200	5%	1,000	5%	15%
LC	5 acres	1,900	1,200	2%	1,089	2%	5%
LC cluster	55,000	-	-	6%	825	8%	15%
R-80	80,000	1,800	1,200	5%	1,000	6%	15%
R-60	60,000	1,800	1,100	6%	900	8%	15%
R-60/40	40,000	1,800	1,100	7%	700	9%	15%
R-40AH	40,000	1,800	1,100	7%	700	9%	15%
R-40GAH	40,000	1,800	1,100	7%	700	9%	15%
R-60/15	15,000	1,500	1,000	14%	525	18%	32%
R-40/30	30,000	1,500	1,000	8%	600	10%	20%
R-30	30,000	1,500	1,000	8%	600	10%	20%
R-30/20	20,000	1,500	1,000	11%	550	14%	28%
R-25	25,000	1,500	1,000	10%	625	13%	25%
R-20	20,000	1,500	1,000	11%	550	14%	28%
R-20/15	15,000	1,500	1,000	14%	525	18%	32%
R-20AH-1	15,000	1,500	1,000	11%	550	15%	28%
R-20AH-2	15,000	1,500	1,000	11%	550	15%	28%
R-10 AH	10,000	1,000	750	15%	375	19%	32%
R-1.5	15,000	1,800	1,100	6%	900	15%	28%
FRD	10,000	1,000	750	15%	375	19%	28%
RSC	7,500	1,000	750	20%	375	25%	32%
RSCS	7,500	1,000	750	32%	600	38% *	38%
MFD I	6,000	-	-	32%	480	38% *	38%
MFD II	6,000	-	-	32%	480	32% *	32%
PAC	15,000	1,500	-	14%	525	18%	28%
PAC II	4,000	-	-	45%	450	55% *	55%
PAC III	6,000	-	1,200	40%	600	50%	55%
SCPR	25,000	-	-	10%	625	13%	25%
SCPR II	25,000	-	-	5%	313	6%	25%
MFD	6,000	-	-	32%	360	38% *	20%
SCMFD I	4,000	-	-	40%	400	50%	55%
SCMFD II	4,000	-	-	40%	400	50%	55%
MFPHD	15,020	-	-	-	-	-	30%
THD	5,445	1,850	1,000	20%	270	20% *	20%
MHD I	4,000	-	-	-	-	-	-
MHD II	3,500	-	-	-	-	-	-
FSC	60,000	1,800	1,100	6%	900	8%	15%

* Cases in which the additional building coverage of an accessory structure may exceed the total lot coverage allowed under the ordinance will be examined by the Planning Board in the site planning stages of the project.

- b) These requirements exclude all uncovered pervious accessory structures such as patios, water area of pools, and decks constructed 18 or more inches above the ground that are gapped to permit infiltration from the building coverage requirements, while meeting total lot coverage limitations.
- c) And, except for agricultural uses, the height of any accessory structure shall not exceed 25 feet or the principal building height.

E. Location. Accessory buildings or structures may be erected on lots in accordance with the schedule of limitations, except that no commercial animal shelter shall be erected nearer than five hundred (500) feet, or any livestock shelter nearer than one hundred (100) feet, to any lot line, and except that these provisions shall not apply to parking spaces in front yards. If located in a front yard, accessory buildings or structures shall be set back a minimum of twice the distance from any street line than is required for a principal building. If located on a corner lot, the provisions of this chapter for corner lots also apply.

F. Seasonal housing. Housing provided on farms for seasonal employees shall be set back at least three hundred (300) feet from any public street, four hundred (400) feet from any property line and five hundred (500) feet from the permanent farm residence of the farm.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution # 2005-172 (Authorizing Fixed Route Transportation Contract Monmouth County) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-172

AUTHORIZING AN AGREEMENT WITH THE COUNTY OF MONMOUTH, PURSUANT TO N.J.S.A. 40: 8A-1 ET SEQ., THE INTERLOCAL SERVICES ACT, FOR FIXED ROUTE PUBLIC BUS TRANSPORTATION THROUGH JUNE 30, 2006

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established fixed route public bus transportation through June 30, 2006 within the Township of Marlboro; and

WHEREAS, the Township of Marlboro wishes to enter into an agreement with the County for the provision of said transportation services to residents of Marlboro Township;

WHEREAS, the Interlocal Services Act, N.J.S.A. 40: 8A-1 et seq. authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services, including such services; and

WHEREAS, the proposed contract for the provision of said services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40: 8A-4;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed interlocal services agreement for the provision of the aforementioned services.

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to all respective parties.

The following Resolution # 2005-173 (Advising and Consenting to Ethics Board Appointments) was introduced by

reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-173

A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENTS TO THE
MARLBORO TOWNSHIP ETHICAL STANDARDS BOARD

WHEREAS, Section 14-7 of the Code of the Township of Marlboro establishes the Marlboro Township Ethical Standards Board; and

WHEREAS, said Board shall consist of six members who shall be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the members of the Marlboro Township Ethical Standards Board shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs; and

WHEREAS, initially, two of the members shall be appointed to serve for terms of five years, one member shall be appointed to serve for a term of four years and the remaining members shall be appointed to serve for terms of three years; and

WHEREAS, the Mayor made the following appointments to the Marlboro Township Ethical Standards Board: Dr. Michael Cali and Stanley Rosen for terms of five years; Rabbi Donald Weber for a term of four years; and Gail Becker, Ibrahim Naboulsi and Maxine Perlman for terms of three years; and

WHEREAS, the Township Council desires to consent to the Mayor's appointment to the Marlboro Township Ethical Standards Board.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro consents to the following appointment made by the Mayor to the Marlboro Township Ethical Standards Board:

1. Dr. Michael Cali - Five Year Term;
2. Stanley Rosen - Five Year Term;
3. Rabbi Donald Weber - Four Year Term;

4. Gail Becker - Three Year Term;
5. Ibrahim Naboulsi - Three Year Term; and
6. Maxine Perlman - Three Year Term; and

BE IT FURTHER RESOLVED, that the Ethical Standards Board shall elect a Chairman from among its membership for a term of one year in accordance with Section 14-7B of the Code of the Township of Marlboro.

The following Resolution # 2005-174 (Requesting legislature to compensate municipalities for misconduct by public officials) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-174

A RESOLUTION URGING THE NEW JERSEY LEGISLATURE TO ENACT
LEGISLATION THAT WOULD COMPENSATE MUNICIPALITIES FOR
EXPENSES AND DAMAGES INCURRED AS A RESULT OF OFFICIAL
MISCONDUCT AND PUBLIC CORRUPTION BY A FORMER PUBLIC SERVANT

WHEREAS, in the recent months, the Township of Marlboro and its residents have learned that they are the victims of official misconduct by at least one former public servant of the Township of Marlboro, specifically former Mayor Matthew V. Scannapieco pleading guilty to accepting six cash payments from a developer and the developer's associates in return for his support of development; and

WHEREAS, as a result of this official misconduct, the Township of Marlboro and its residents have incurred significant expenses and damages, including increased attorney's fees; increased property taxes; increased burdens on other municipal services and an increased burden on the Township's infrastructure as a result of overdevelopment; and

WHEREAS, in 1971, the New Jersey Legislature enacted the Criminal Injuries Compensation Act, N.J.S.A. 52:4B-1, *et seq.*; and

WHEREAS, that law established the Victims of Crime Compensation Board which is charged with the duty of providing compensation to victims of certain violent crimes

who sustained personal injury, mental trauma or death; and

WHEREAS, it is unclear whether municipalities that are victims of public corruption are eligible for compensation under the Criminal Injuries Compensation Act; and

WHEREAS, the Mayor and the Township Council believe it would be fair and just for the New Jersey Legislature to enact legislation establishing a mechanism to compensate municipalities and their residents for the expenses and damages incurred as a result of official misconduct and public corruption by a former public servant.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro hereby urges the New Jersey Legislature to enact legislation that would compensate municipalities, such as the Township of Marlboro, and their residents for the expenses and damages incurred by the municipality as a result of official misconduct and public corruption by a former public servant; and

BE IT FURTHER RESOLVED, that the Municipal Clerk be and is hereby directed to provide a certified copy of this resolution to the Legislators representing the Township of Marlboro and Acting Governor Richard J. Codey with a request that they assist in any way possible to ensure that the appropriate legislation is enacted to compensate municipalities that become victims of the official misconduct and public corruption by a public servant.

The following Resolution # 2005-175 (Authorizing Contract - Birdsall Engineering) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 1 in favor, with Councilman Denkensohn voting no.

RESOLUTION # 2005-175

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICE CONTRACTS BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN CONNECTION WITH VARIOUS PROJECTS

WHEREAS, the Township of Marlboro is in need of professional engineering services in connection with the following projects (collectively, the "Projects"):

1. Engineering design and construction administration of pavement improvements for the 2005 Road Program, including the following roads: Calgary Circle, Edmonton Lane, Vista Drive, Oxford Court, Forest Court, Fernhill Court, Woodstock Court, Toronto Court, Canadian Woods Road, Memorial Road, Hudson Bay Terrace, Erie Court and St. Lawrence Way;

2. Engineering design and construction inspection services for the installation of sidewalks along State Highway No. 79 from the Marlboro High School to Monmouth County Route 520;

3. Professional services related to the coordination of all current and potential stakeholders involved in the assessment and improvement of existing stormwater impairments within the Township's four watersheds;

4. Engineering design and construction administration of an irrigation system for Union Hill Park and Vanderburg Soccer Complex;

5. Provision of the permitting, design and field support for the extension of the existing culvert and pathway construction at the Vanderburg Road Soccer Complex; and

6. Conducting a study to identify and catalogue the existing dam structures within the Township; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (collectively, the "Proposals") to the Township of Marlboro to provide the aforementioned professional services for the Projects:

1. Proposal dated March 23, 2005 to provide design and construction administration of pavement improvements for the 2005 Road Program for an amount not to exceed \$47,200.00;

2. Proposal dated March 21, 2005 for engineering design and construction inspection services for the installation of sidewalks along State Highway No. 79 from Marlboro High School to Monmouth County Route 520 for an amount not to exceed \$15,000.00;

3. Proposal dated March 14, 2005 to provide professional services related to the coordination of all current and potential stakeholders involved in the

assessment and improvement of existing stormwater impairments within the Township's four watersheds for an amount not to exceed \$15,000.00; and

4. Proposal dated January 24, 2005 for the design and construction administration of an irrigation system for Union Hill Park and Vanderburg Soccer Complex for an amount not to exceed \$17,300.00;

5. Proposal dated February 3, 2005 for the provision of the permitting, design and field support for the extension of the existing culvert and pathway construction at the Vanderburg Road Soccer Complex for an amount not to exceed \$14,900.00; and

6. Proposal dated March 10, 2005 for conducting a study to identify and catalogue the existing dam structures within the Township for an amount not to exceed \$9,500.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services for the Projects in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in forms legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services for the Projects in accordance with the Proposals; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-176 (Setting Special Meetings - Budget discussions - May 2 & 3, 2005) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2005-176

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on the following dates and times:

May 2, 2005	- 8 PM
May 3, 2005	- 8 PM

at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, N. J. 07746. The purpose of these special meetings is to hold budget discussions. Citizen's Voice will be limited to 15 minutes. It is anticipated that no action will be taken.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Mione, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor:

Res. # 2005-177 (Redemption Tax Sale Certs. - Various),
Res. #2005-178 (Refunds to Countrywide Taxes Services - Various),
Res. #2005-179 (Refunds to WMUA - Various), Res. #2005-180 (Refunds for First Quarter Taxes - Various), Res. #2005-181 (Refunds for Overpayments), Res. #2005-182 (Disabled Vet. Deduction Refund - B. 412, L. 307C0038), Res. #2005-183 (Amend Raffle License - Marlboro

Jewish Center), Res. #2005-184 (Raffle License Jewish Federation of Greater Mon. County - On premise merchandise) and Res. #2005-185 (Raffle License Jewish Federation of Greater Mon. County - On premise 50/50)

RESOLUTION # 2005-177

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$22,302.95 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$22,302.95 be refunded to the certificate holders as per Schedule "A",

<u>SCHEDULE "A"</u>			
<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
99-52	286/20	JNH Funding Corp.	\$ 475.70
11 Longfellow Terr.		Bldg. #6C 90 Dayton Avenue Passaic, NJ 07055	
01-45	286/20	JNH Funding Corp.	2,501.29
11 Longfellow Terr.		Bldg. #6C 90 Dayton Avenue Passaic, NJ 07055	
04-11	270/121	Wachovia-Coll Agt/ SASS Muni IV Dtr	19,325.96
65 Millay Road		123 S. Broad Street PA 1328S Philadelphia, PA 19109	
TOTAL:			\$22,302.95

RESOLUTION # 2005-178

WHEREAS, the attached list in the amount of \$28,725.10 known as Schedule "A", is comprised of duplicate payments received from Countrywide Tax Services for 2005 first quarter added assessment taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A", which totals \$28,725.10 to Countrywide Taxes Services.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
119.04	12	Veronica Harris & Sylvia Holmes 31 Petra Drive Morganville, NJ 07751	\$ 93.73
120.06	6	Joseph & Cindy Amaturro 411 Basswood Lane Morganville, NJ 07751	255.21
133	6	Joseph & Ellen Borodunovich 33 Wilson Avenue Morganville, NJ 07751	208.81
160	61	Eric & Caryn Pearlstein 412 Coral Court Morganville, NJ 07751	226.44
171	36.06	Harry & Annamaria Buonocore 1 Carmel Court Morganville, NJ 07751	2,748.74
171.01	14	Patrick & Gena O'Neill 29 Peregrine Drive Morganville, NJ 07751	1,799.40
193.05	33	Howard & Jani Levine 324 Sinclair Court Morganville, NJ 07751	9.28
214.01	35	Roberto & Margaret Scardino 15 Breton Court Marlboro, NJ 07746	150.05
270	92	Nicholas & Lisa Bisogni 7 Millay Road Morganville, NJ 07751	179.21

331	2	Thomas & Julie Cahalane	76.14
3 Foxcroft Drive		3 Foxcroft Drive	
		Marlboro, NJ 07746	
331	54.04	Prasad & Gottipati Surapaneni	58.50
42 Robertsville Rd.		42 Robertsville Road	
		Marlboro, NJ 07746	
360	25.38	Chau Ming Yuen & Salina Ho	2,880.25
8 Whipple Way		8 Whipple Way	
		Marlboro, NJ 07746	
360.02	18.15	Ajay & Minal Kalola	3,061.59
15 Clymer Court		15 Clymer Court	
		Marlboro, NJ 07746	
360.02	18.47	Dong Yang & Dawei Li	3,183.09
7 Wolcott Court		7 Wolcott Court	
		Marlboro, NJ 07746	
411	43	Charles & Catherine Rivera	60.76
4 Jockey Court		4 Jockey Court	
		Marlboro, NJ 07746	
412	248	Biswa Baral & Arjyal Shivaa	58.92
23 Kingfisher Ct.		23 Kingfisher Court	
		Marlboro, NJ 07746	
412.07	13	Jason & Dana Kaufman	68.12
26 Barn Swallow Blvd		26 Barn Swallow Boulevard	
		Marlboro, NJ 07746	
413.05	12	Jerome & Maxine Sue Liebers	132.56
17 Cloverleaf Dr.		17 Cloverleaf Dr.	
		Marlboro, NJ 07746	
415	33.03	Darren & Lori Sardoff	3,635.98
9 Huxley Court		9 Huxley Court	
		Marlboro, NJ 07746	
415	33.11	Cheng-Mao Tsai & Yun-Chu Ku	2,863.68
6 Huxley Court		6 Huxley Court	
		Marlboro, NJ 07746	
419.01	14	Michael & Sophy Lee	3,965.52
15 Diamond Hill Rd.		15 Diamond Hill Rd.	
		Marlboro, NJ 07746	

421.04 9 Vaishali & Biswajit Mazumdar 3,009.12
6 Kipling Court 6 Kipling Court
 Marlboro, NJ 07746

TOTAL TO BE REFUNDED TO
COUNTRYWIDE TAX SERVICES: \$ 28,725.10

RESOLUTION # 2005-179

WHEREAS, current sewer charges totaling \$1,078.15 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$1,078.15 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#97-2 Wicker Place	107/7	Ronko Developers, Inc.	\$341.58
TSC#98-2 14 Thomas Lane	105/3	Ronko Developers, Inc.	341.58
TSC#01-45 11 Longfellow Terrace	286/20	JHN Funding Corp.	394.99
TOTAL:			\$1,078.15

RESOLUTION # 2005-180

WHEREAS, the attached list, known as Schedule "A", is comprised of amounts representing payment for 2005 first quarter taxes based upon the preliminary bills, and,

WHEREAS, these Blocks and Lots no longer appear on the current tax rolls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$11,892.94 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
157	22	Kawe Associates	\$1,933.96
Route 520		Attn: Mike Weitz 811 Amboy Avenue, Suite E Edison, NJ 08837	
193.12	52	Rosemont Estates II, LLC	3,530.12
Everton Blvd.		Attn: Nancy Rose 242 Route 79, Suite 9 Morganville, NJ 07751	
358	1.22	Toll Brothers, Inc.	362.68
Witherspoon Way		Attn: Michael Maurer 250 Gibraltar Road Horsham, PA 09044-9884	
358	1.23	Toll Brothers, Inc.	352.56
Witherspoon Way		Attn: Michael Maurer 250 Gibraltar Road Horsham, PA 09044-9884	
358	1.24	Toll Brothers, Inc.	347.03
Witherspoon Way		Attn: Michael Maurer 250 Gibraltar Road Horsham, PA 09044-9884	
358	1.25	Toll Brothers, Inc.	128.87
Witherspoon Way		Attn: Michael Maurer 250 Gibraltar Road Horsham, PA 09044-9884	
359.01	27	Toll Brothers, Inc.	341.51
Clark Place		Attn: Michael Maurer 250 Gibraltar Road Horsham, PA 09044-9884	
360	25.01	K. Hovnanian Homes	335.07
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	
360	25.02	K. Hovnanian Homes	319.42
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	

360	25.03	K. Hovnanian Homes	311.13
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	
360	25.04	K. Hovnanian Homes	287.20
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	
360	25.05	K. Hovnanian Homes	465.78
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	
360	25.06	K. Hovnanian Homes	541.26
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	
360	25.41	K. Hovnanian Homes	741.01
Whipple Way		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	
360.02	18.87	K. Hovnanian Homes	338.75
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	
360.02	18.88	K. Hovnanian Homes	303.77
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	
360.02	18.89	K. Hovnanian Homes	303.77
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	
360.02	18.90	K. Hovnanian Homes	287.20
Rutledge Road		Attn: Lisa Avallone 110 Fieldcrest Ave., 7 th Floor Edison, NJ 08818	

360.02	18.91	K. Hovnanian Homes	304.69
Rutledge Road		Attn: Lisa Avallone	
		110 Fieldcrest Ave., 7 th Floor	
		Edison, NJ 08818	
360.02	18.92	K. Hovnanian Homes	357.16
Rutledge Road		Attn: Lisa Avallone	
		110 Fieldcrest Ave., 7 th Floor	
		Edison, NJ 08818	
TOTAL:			<u>\$11,892.94</u>

RESOLUTION # 2005-181

WHEREAS, the attached list in the amount of \$20,714.95 known as Schedule "A", is comprised of amounts representing overpayments for 2005 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
101	17.13	Charles & Karen Erivona	\$ 753.54
301 Provincial Dr.		301 Provincial Drive	
		Morganville, NJ 07751	
119.02	52	Antonio & Patricia Lombardi	94.66
4 Petra Drive		4 Petra Drive	
		Morganville, NJ 07751	
120.02	15	First American Tax Service	2,286.60
418 Ironwood Lane		Refund Dept. MS 300	
		1201 Elm Street, Suite 400	
		Dallas, TX 75270-9987	
		Re: Gerald Begrowicz &	
		Resa Bellan	
159.02	6	Robert & Michele Federici	3,512.49
188 Independence Way		188 Independence Way	
		Morganville, NJ 07751	

160.03	8	Wells Fargo Home Mortgage	2,897.23
303 Rustic Drive		P.O. Box 14506	
		Des Moines, IA 50306-9395	
		Re: Kurt & Ellen Stein	
176.01	69	Washington Mutual	1,487.46
26 W. Frances Ave.		Attn: Tax Dept-Refunds	
		22 Enterprise Drive	
		Florence, SC 29501	
		Re: Jay & Lisa Daidone	
178	2 C0193	Matthew & Carrie Sorkin	1,123.49
193 Nantucket Place		193 Nantucket Place	
		Morganville, NJ 07751	
178	290 C0353	Georgy Statnigrosh	1,613.74
353 Bernard Drive		353 Bernard Drive	
		Morganville, NJ 07751	
206.03	19	Countrywide Tax Services	2,460.13
29 Burlington Drive		SV-24, Suite 300	
		1757 Tapo Canyon Road	
		Simi Valley, CA 93063	
		Re: Brian & Linda Minkoff	
214.03	13	Eduardo & Grace Sulca	2,567.28
17 Jamesworthy Ct.		17 Jamesworthy Court	
		Marlboro, NJ 07746	
332	19	B. Goldshteyn & A. Goldstein	1,561.17
15 Quebec Road		15 Quebec Road	
		Marlboro, NJ 07746	
360.02	18.66	Angelo & Vicky Fraggos	357.16
54 Rutledge Road		54 Rutledge Road	
		Marlboro, NJ 07746	
TOTAL:			<u>\$ 20,714.95</u>

RESOLUTION # 2005-182

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Harold L. & Alice G. Walters, Block 412 Lot 307 C0038, located at 38 Thrasher Court,

WHEREAS, taxes were billed for the first half of the year 2005 in the amount of \$414.61, and

WHEREAS, this exemption became effective January 1st, 2005 and taxes were paid for the first quarter, of 2005, including interest, the above-mentioned taxpayer is due a refund of \$208.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$208.00 to the above-mentioned taxpayer and cancel \$414.61.

RESOLUTION # 2005-183

BE IT RESOLVED by the Township Council of the Township of Marlboro that an amendment to Raffle License # RL: 05-05 (Off Premise Merchandise) be and it is hereby granted to Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on September 21, 2005 at 8:30 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2005-184

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 07-05 (On Premise Merchandise) be and it is hereby granted to Jewish Federation of Monmouth County, 100 Grant Ave, Deal, N.J. 07723.

BE IT FURTHER RESOLVED that said Raffle will be held on May 18, 2005 at Marlboro Jewish Center, 103 School Road West, Marlboro, N.J. 07746 from 5:30 PM - 10:00 PM.

RESOLUTION # 2005-185

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 08-05 (On Premise 50/50) be and it is hereby granted to Jewish Federation of Monmouth County, 100 Grant Ave, Deal, N.J. 07723.

BE IT FURTHER RESOLVED that said Raffle will be held on May 18, 2005 at Marlboro Jewish Center, 103 School Road West, Marlboro, N.J. 07746 from 5:30 PM - 10:00 PM.

At 10:45PM, Councilman Cantor moved that the meeting go into executive session for reason of discussing COAH, litigation, and acquisition of property and contract negotiations. This was seconded by Councilman Denkensohn, and passed on a roll call vote of 5 - 0 in favor. Recess was called and the executive session commenced at 11:00PM.

RESOLUTION # 2005-186

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 21st day of April, 2005 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, COAH, litigation, acquisition of property and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 75 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. No action will be taken following the executive session.

At 12:15PM, Councilman Cantor moved that the meeting be opened. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

At 12:20PM, Councilman Cantor moved that the meeting be adjourned. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED:

OFFERED BY:

AYES:

SECONDED BY:

NAYS:

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT

